

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
February 26, 2020

The Highland Board of Zoning Appeals met on February 26, 2020 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Helms.

ROLL CALL: Present were Board Members Mr. Martini, Mr. Helms and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika and BZA Attorney Mr. Scott Bilse from the firm of Abrahamson, Reed & Bilse, standing in for Mr. John Reed.

MINUTES: The minutes of the January 22, 2020 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be March 25, 2020 at 6:30 p.m.

COMMUNICATIONS: Mr. Martini read the letter from Eric & Jennifer Gluth, dated January 31, 2020, stating their formal withdrawal of their petition for the variance request to build a single family residence at the location of 9130 Kennedy Avenue, first heard at the January 22, 2020 BZA meeting and originally due to be continued at the February 26, 2020 meeting. In the letter, the Gluths also thanked the Board for their time and attention at the original hearing and for their services to the Highland community.

Old Business: Continued Hearing for Rick Ralmondo, 8 Larsen Park Drive, Medford, NJ, Seeking a Variance to place a sign at Planet Fitness, 3315 45th Street, Highland, IN that exceeds the standard contained in the Zoning Ordinance. {18.83.030} (B) (3) (b) For multi-use and mixed-use buildings, the maximum gross area for permanent business signs shall be either one square foot for each linear foot of frontage that the building occupies, or 150 square feet, whichever is less.

Attorney Randy Wyllie, of the firm Wieser & Wyllie, LLP, 429 W. Lincoln Highway, Schererville, IN, standing in for Attorney Jim Wieser, stepped forward and introduced himself and stated he was representing the petitioner, Mr. Rick Ralmondo.

Mr. Wyllie went on to say that he brought some additional information about signage that was obtained by the Planet Fitness franchises in other local towns in the communities nearby, specifically Schererville and Valparaiso. He stated that what was being requested by Mr. Ralmondo was approximately 6' x 43' signage, which would be the only sign at the Highland Planet Fitness. The total square footage being 259 sq. feet. He then added that this amount was approximately 2' per linear foot of frontage rather than 1', as the ordinance states. He continued that they were meeting the statute because it was not injurious to other neighboring

properties, it also wouldn't have an adverse effect on the use or value of their properties and also that it would cause a hardship if Mr. Ralmondo was not granted the variance. He then explained that because the property had been vacant for several years, the Planet Fitness sign needed to be significant and stand out to attract new customers to the location. He likened the situation in Highland to Schererville, because both locations were vacant. He also stated that the Schererville ordinance read exactly the same as Highland's and that the Town of Schererville approved the sign variance at 369 square feet, a total of 110 square feet more than what was being requested in Highland. He explained that Schererville's sign was a vertical layout, rather than horizontal as is the case in Highland, and that Schererville realized that there was a need for this leeway to attract the new customers. He then added that there is also a pylon sign in Schererville, in addition to the building-mounted sign, which Highland wouldn't have. He then continued that the Valparaiso sign was on a very similar size of building as Highland and also had a horizontal layout and that they were granted a sign variance for 232 square feet. He added that the buildings in Valparaiso and Highland were almost identical and that they were just asking to be treated in a similar manner to these other towns. He added that the sign was attractive, lit up very well and the color scheme would get people's attention. He then stated that petitioner hoped to open the business in 5 – 7 weeks (April 1st – 15th) and they were under a significant time crunch to meet the deadline because it takes a minimum of six weeks to order and install the sign. He felt this was a significant hardship for the petitioner, Mr. Ralmondo. Mr. Wyllie finished by saying he felt the petitioners request was more than reasonable and that he hoped the Board would vote favorably to grant the variance request.

Mrs. Murovic opened the discussion to the public. Hearing no remonstrance, she brought the discussion back to the Board.

Mr. Martini asked Mr. Wyllie about the 3 options that had been proposed at the original hearing in January. He replied that there were three options, A, B & C. The first one, option A, was only what the ordinance allowed (126 square feet), but had to be even smaller due to the increments allowed; the second, option B, was 184 square feet and the last one of 259 square feet, option C, was the largest and the option they were requesting. Mr. Wyllie said that the petitioner could live with option B, but wanted option C, due to the fact that other franchisees in the area got larger size sign variances granted to them.

Mrs. Murovic asked for Mr. Wyllie to confirm the size of the requested sign. He replied it was 259 square feet. She commented it was about the size of a billboard. Mr. Martini clarified that it was option C. He went on to say that was he supported and recommended at the last meeting was option B, which was 184 square feet, about 34 square feet over the maximum allowed square footage.

Mr. Helms motioned that the petitioner be granted a favorable recommendation, based on option B (184 square feet/5' High, 36' 9" Wide), for the developmental sign variance. Mr. Martini seconded and it passed unanimously with a roll call vote of 3 – 0.

New Business: Gary Kopischke, 2826 Edgewood Drive, Dyer, IN Seeking a Variance to construct a 3-bedroom, 1,800 – 2,000 sq. feet Single Family Residence w/Garage on a vacant lot located at 9026 Erie Street. {HMC 18.15.060} (C) (1) Minimum Lot Size in an R-1 Residence District. Minimum lot size requirements for an R-1 district are as

follows: Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 7,200 square feet and a minimum width of 60 feet at the building line and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 7,200 square feet in the area or less than 60 feet in width, or 120 feet in depth, may only be improved by a variance from the Board of Zoning Appeals.

Attorney Scott Bilse stated that he had reviewed the Proofs of Publication and they were not in compliance with IC 5-3-1, due to the fact that the address noted on the proof was 9626 Erie Street, which did not match the variance request and therefore, was incorrect. He continued that Mr. Kopschke would have to continue his hearing until the March 25, 2020 meeting so that he could obtain and publish a satisfactory Proof of Publication. He also stated to Mr. Kopschke that his new Proof of Publication would have to be published in a timely manner to meet the requirement of 10 days prior to March 25th, 2020, not including the day of the hearing. Mr. Mika stated that the sign that was posted on the property would also have to be updated to reflect the correct date. Mr. Mika continued that he would check out the sign to see the condition in the near future to see if a new sign would be needed.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Helms Second: Mr. Martini Time: 6:46 p.m.